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THE DIPLOMATIC RELATIONS OF ENGLAND AND THE REPUBLIC OF TEXAS.¹

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I. CONDITIONS IMMEDIATELY SUBSEQUENT TO THE TEXAS REVOLUTION, 1836-1837.

(1) *The Debate of 1836 in Parliament.*

England and the Republic of Texas became interested in each other at an early date. On August 5, 1836, only five months after Texas declared her independence, she was the subject of a debate in the British House of Commons in which questions concerning the new republic were considered at some length. Some of the debaters spoke of the aggressive policy of the United States and expressed apprehension of the results to England of the ascendancy which that nation would gain in the Southwest and on the Gulf

¹Most of the materials on which this essay is based are to be found in the manuscript collection entitled "Diplomatic, Consular and Domestic Correspondence of the Republic of Texas," now in the State Library at Austin. Except in cases where the notes indicate otherwise, the letters and papers referred to belong to this collection. Some whose originals do not exist in the collection have been published in *Niles' Register*. For the sake of convenience and economy in printing, the references, instead of being completely distributed to support detailed statements, are, for the most part, grouped in notes at the ends of the paragraphs.

of Mexico if it should annex Texas, of which there seemed some fear. The principal consideration involved, however, was the matter of slavery. England had a treaty with Mexico for the abolition of the slave-trade, and it was feared that if Texas established her independence this trade would be reopened with her. It was England's policy to secure the universal abolition of the trade by treaties with the principal nations of the world. Viscount Palmerston, the foreign secretary, expressed it as his opinion that no doubt need be entertained of the propriety of the conduct of the United States in the matter, and that no action need be taken on the subject of the slave-trade until it was certain that the Texas revolution was successful.¹

2. Rumors of the Sale of Texas by Mexico to England.

In the spring of 1837 an interesting incident took place at Washington. Fairfax Catlett, the secretary of the Texas legation there, who was temporarily in charge of its affairs, was shown a letter to the American State department from M. O. Jones, the American consul at the City of Mexico, in which Jones said that a proposition was before the Mexican Congress to sell Texas to England in order to pay the Mexican debt in England amounting to some sixty-eight million dollars.² Jones added that the measure would probably pass, but said nothing as to whether England had suggested it or concurred in it. Catlett, of course, felt it his duty to write at once to Forsyth, the American secretary of state, asking that the United States prevent any such sale and pointing out that Mexico would be unlikely to make such a proposition unless she had previous assurance that it would be acceptable to England. In his letter, however, he spoke of the United States as the "parent commonwealth" of Texas, and Forsyth was so unwilling to have a letter containing such language among the papers of his department that he persuaded Catlett to take the letter back. Catlett reported that he had been told by Crallé (the Washington editor and relative of Calhoun) that the matter had been proposed to England and rejected by her. Earlier in the year William H. Wharton, then one of the agents of Texas at Washington, had

¹*Niles' Register*, LI 38-40.

²Catlett to Henderson, April 29, 1837.

written to his government that Forsyth had shown him a letter from Andrew Stevenson, United States minister to England, in which Stevenson said that Lord Palmerston had admitted that Mexico had applied to him for aid against Texas, but had said that he had refused the application. Evidently, therefore, there was nothing in the story.¹

Nothing further seems to have come of the incident, but it, as well as the debate of 1836, is instructive as showing the position of the parties at that time: Texas independent of Mexico, but still at war with that country and anxious to become annexed to the United States; Mexico unwilling to recognize her defeat and unfriendly to the United States; England and the United States watchfully jealous of each other. For commercial reasons England befriended Mexico, and was anxious both as Mexico's friend and as the enemy of slavery to keep Texas out of the American Union. The impulse to territorial expansion that has always characterized the American people induced them to desire the annexation of Texas, but the slavery question complicated the matter. The politicians of the Southern States for the most part favored the annexation of Texas because of the existence of slavery in that region, on account of which the admission of Texas would mean the strengthening of the position of slavery in the United States. There came to be a strong movement in the Northern States against annexation for the same reason, and those States were so far successful in securing the adoption of their policy that it was known that Texas could not be admitted into the Union until she secured the recognition of some of the principal European powers.

II. THE MOVEMENT FOR ENGLISH RECOGNITION OF TEXAS, 1837-1842.

1. The first application by Texas unsuccessful.

In this state of affairs the Texas government naturally desired the recognition of England as the leading commercial country of the world and the country most deeply interested in the

¹Catlett to Henderson, May 7, 1837.

welfare of Mexico. Early in 1837 English recognition was the subject of communication between the Texas government and its agent at Washington, and the view was advanced that negotiations between Texas and England would arouse the annexationists of the United States to immediate action, lest Texas should become so bound up by treaties with England that annexation would become impossible. On June 20, 1837, President Houston signed a letter accrediting General J. Pinckney Henderson to Lord Palmerston as the diplomatic agent of Texas. Henderson was accredited also to the French government as agent, and he was given credentials as minister to the two countries to be presented when the primary purpose of his mission, the securing of English and French recognition, had been accomplished. He proceeded to London immediately and on October 13 was received by Lord Palmerston. Palmerston appeared to take a lively interest in affairs in Texas, but was doubtful as to the possibility of recognition, which he promised, however, to lay before the cabinet. The matter was put off for some time, but on December 27 Henderson was informed that Texas could not at that time be recognized. The reason assigned for the decision was doubt of the ability of Texas to maintain her independence, but Henderson was led to believe that this was in reality a less potent factor in determining the action of the ministry than the political situation in England, the fact that slavery existed in Texas, and the interest of the English creditors of Mexico which made it undesirable to do anything that would imperil the cordial relations of England and Mexico. England's commerce with Mexico, besides, was important, and the government hesitated to take any step that might force English merchants to divide their market with other countries. Another consideration with the British ministry was the likelihood of the annexation of Texas to the United States. This was frequently brought out in the intercourse of Henderson and Palmerston. Palmerston seemed from his language to consider it unnecessary to recognize the independence of Texas if Texas was soon voluntarily to surrender this independence, but no doubt he gave more thought to the possibility that by recognizing Texas he would remove an obstacle to the annexation of Texas to the United States.

Henderson pressed his application vigorously, but felt assured by the end of the year that recognition was out of the question.¹

2. Establishment of commercial relations—Texas clearances recognized in English ports.

Henderson's next move was to go to France and secure the recognition of the government of Louis Philippe; but before leaving England he made an arrangement with Palmerston by which commerce could be carried on between the ports of England and Texas. The Texas government wished to negotiate a commercial treaty with England, but the English government, unwilling to give Texas the recognition that this would involve, found a means by which it could evade the question of recognition and trade with Texas without a commercial treaty. After much delay Palmerston notified Henderson that for purposes of trade Texas, until she should be recognized either by Mexico or by England herself, would be treated as a part of Mexico, and that vessels under the Texas flag or with clearances from Texas custom-houses would be admitted into English ports under the terms of the commercial treaty between England and Mexico, in spite of the fact that their papers would show on their face that they were issued by the authorities of Texas and not of Mexico. The arrangement was rather peculiar and, from the Texas standpoint at least, undignified, and Henderson seems to have felt some chagrin at it; but the temper of Lord Palmerston toward him was such that any concession was a matter of congratulation on Henderson's part.²

3. British Claims and Demands Upon Texas.

(1) *The cases of the Eliza Russell and the Little Penn.* — At this period occurred an episode which added interest to the relations of the governments of England and Texas and on one occasion at least threatened to destroy their friendship. Texas was

¹Wharton to Austin, Jan. 6, 1837; Wharton to Rusk, Feb. 12, 1837; Hunt to Henderson, Apr. 15, 1837; Houston to Palmerston, June 20, 1837; Irion to Henderson, June 25, 1837; Henderson to Irion, June 25, Oct. 14, and Dec. 22, 1837, and Jan. 5, 1838.

²Henderson to Irion, Jan. 5, 1837, and Jan. 30, and Apr. 12, 1838.

maintaining a small fleet under the command of Captain H. L. Thompson in the Gulf of Campeachy to prey on Mexican commerce. The British schooner *Little Penn*, bound from Liverpool to Tabasco in Yucatán, ran aground on the Alacranes, a shoal on the Yucatán coast, in the summer of 1837. Her cargo was owned by F. de Lizardi and Co., a house with offices in England and Mexico, and was consigned to a Mexican citizen. As it was found impossible to save the *Little Penn*, the consignees and the Mexican authorities at Campeachy sent out two Mexican vessels, the *Paz* and the *Abispa*, to rescue her cargo. These two vessels were loaded with the greater part of the cargo of the *Little Penn*. The *Paz* made her way safely to Campeachy, but the *Abispa* fell into the hands of the *Brutus* and *Invincible*, two of the Texas vessels cruising in the neighborhood. As Captain Thompson found the *Abispa* to be a Mexican vessel and was shown no papers indicating that the cargo was other than Mexican goods, he sent her into Matagorda, Texas, where the vessel and cargo were condemned as prize. It was claimed, and apparently with truth, that the officers of the *Brutus* and *Invincible* boarded the wreck of the *Little Penn* and stripped her of everything of value found on board.¹ From these facts Lizardi and Co. submitted to the British government their claim against Texas for damages to the extent of some £3640. On August 3, a few days after the capture of the *Abispa*, the Texas vessels chased and captured the British schooner *Eliza Russell*, bound from Liverpool to Sisal, Mexico, owned and commanded by Captain Joseph Russell, with a miscellaneous cargo of merchandise, part of which was consigned to Mexicans at their own risk. This vessel was taken as a prize off the Campeachy coast and sent to Galveston. On her arrival there she was released by order of the executive government, but by storms that arose at the time she was delayed and injured, so that Captain Russell presented to the British government his claim for some £865 damages caused by the detention. The Texas government at once acknowledged that it was at fault in the case of the *Eliza Russell*, and R. A. Irion, the secretary of state, directed Henderson to express to Lord Palmerston his regrets at the occurrence and to assure him that Russell would receive compensation for his injuries. Palmerston

¹See extract from records of navy department of Texas filed with letter of Elliott to Terrell, Dec. 13, 1842.

rought the *Little Penn* claim to Henderson's attention in January, 1838. The Texas government at all times asserted its willingness to settle all just claims against it, but for one reason or another it postponed a long time the settlement of these two claims. President Houston promised to recommend an appropriation to pay the amount asked by Captain Russell, but Congress delayed action because Russell neglected the advice of the Texas government to maintain an agent in Texas to deal with Congress directly. Various objections were raised to the payment of the *Little Penn* claim. The facts that the evidence upon which it was based was Mexican, that the claimants, Lizardi and Co., were really a Mexican house even though they had an office in England, and that the case had already been decided against them by a Texas prize court, were among these objections. The scruples of the government could hardly have been lessened by its extreme poverty, or by the fact that, as Lizardi and Co. were agents in London for the Mexican government, a payment to them was felt to be almost equivalent to a payment to the enemy themselves. The two claims were at first pressed vigorously by the British government. In October, 1839, Lord Palmerston became so impatient on the subject that he wrote a forcible letter to Henderson in which he said that "under these circumstances Her Majesty's Government would be justified in sending out a Ship of War to Texas" with instructions "to take all necessary measures for enforcing the payment of the claims;" but he said the government was always "anxious to avoid the employment of compulsory measures," and had therefore determined "to make one more application on these matters, through you, to the Texian authorities." This letter drew forth a protest from Henderson, but the Texas Congress made an appropriation for the payment of Captain Russell; for some reason, however, the appropriation was allowed to lapse, and payment was not finally made until September, 1843, more than six years after the injury took place. The *Little Penn* claim seems never to have been paid by Texas, for the last obtainable reference to the subject is a letter dated February 22, 1845, in which the secretary of state of the republic sets forth the grounds on which the refusal of Texas to pay the claim had been based. In fact, by this time the zeal of the British government in the cause had waned, and there was no longer any fear of "compulsory measures" on the part of

England. The claims were indeed small in amount and never any great significance in determining the relations of the two countries, except that they probably added to the unfriendliness with which the Melbourne ministry for a time looked upon Texas but the incidents occupy so large a part of the diplomatic correspondence between the two countries that they are deserving of some notice.¹

(2) *Empresario claims*.—Several claims to lands in Texas were presented during the same period. In August, 1839, James Ogilvy laid claim for himself, as assignee of the *empresario* grant of Manuel Bangs and for the Scottish heirs of Doctor James Grant, to some four hundred *sitios* of land in the Rio Grande country. The grants had been forfeited for non-fulfillment of their terms, but he claimed the non-fulfillment was caused by the breaking out of war between Texas and Mexico. These claims were referred to in general terms by Palmerston in a letter of October 23, 1839, in which he also mentions the case of certain British subjects resident in Texas who had been driven from their homes and rendered destitute by the war and who were then living in abject poverty in New Orleans and Matamoras. Henderson gave Palmerston very little encouragement as to these refugees, saying they must have been among the persons who deserted Texas in her hour of need and so could have no valid claim. The *empresario* claims continued to come in. In February, 1843, Charles Elliot, the British *chargé d'affaires*, laid before the Texas government the claim of John Charles Beales, a British subject, to large tracts of land on the Colorado, Nueces, and Arkansas Rivers and on the Rio Grande. Beales claimed, like Ogilvy, that, though his grants had been declared forfeited by the Texas government for non-fulfillment of the conditions, under which he was, among other things, to bring a certain number of colonists into Texas, this non-fulfillment was caused solely by the outbreak of the Texas revolution. He had spent large sums of money in the effort to fulfill these con-

¹Henderson to Irion, Nov. 5, 1837, and Jan. 30, and Mar. 8, 1838; Thompson to the secretary of the navy, Aug. 29, 1837; Irion to Henderson, Aug. 23, 1837, and Nov. 28, 1838; Henderson to Palmerston, Oct. 30, 1839; Palmerston to Henderson, Oct. 23, 1839; Elliot to Terrell, Dec. 13, 1842; Elliot to Jones, Aug. 17, 1843; Jones to Elliot, Sep. 4, 1843; Smith to Elliot, Feb. 22, 1845.

ditions, and would have been successful but for the reason given. He claimed also that under the Texas land laws the courts were unable to entertain a suit brought by him to recover the grants. In September, 1842, the claims of Cotesworth and Pryor, George O'Gorman, and D. E. Egerton, similar to that of Beales, were submitted to the Texas government. Some correspondence on the subject of these various claims followed, in which the Texas government denied that the courts were not open for the claimants to obtain redress in the ordinary way. Some discussion arose also as to the reservation in the original grants of the power to revoke them at the pleasure of the grantor. The claims at best had no more than an equitable standing, and they were not favorably looked upon by the Texas government because of the long period that was allowed to elapse before they were presented to the government, and because no record of the grants was to be found in the Texas land office. Indeed the British *chargé d'affaires* prosecuted the claims in a rather lukewarm manner, and finally admitted in October, 1843, that the evidence upon which they were based was insufficient, and that he did not think the British government would wish the Beales claim, at any rate, to be pushed until it was better substantiated. Since the subject does not arise again in the diplomatic correspondence of the Republic, the claims must have been dropped at this point. As the Texas government pointed out, though the claims were for very large tracts of land, the grants upon which they were based would all have expired under their own terms shortly after the outbreaks of the revolution, if not before, so that the losses sustained by the claimants as a result of the forfeitures must have been insignificant, if they existed at all.¹

(3) *Claims for British negroes held in Texas.*—Early in 1840 Commander Joseph Hamilton of the British navy arrived in Texas with credentials from E. Murray Macgregor, governor of the Windward Islands, addressed to "His Excellency the President or Officer Administering the Government of Texas," empowering him to demand of Texas and to identify and recover certain British

¹Ogilvy to Pakenham, Aug. 20, 1839 (two letters); Palmerston to Henderson, Oct. 23, 1839; Henderson to Palmerston, Oct. 30, 1839; Elliott to Jones, Sep. 30, 1842, and Feb. 4, Aug. 17, and Oct. 28, 1843; Jones to Elliott, Sep. 19, 1843.

negroes supposed to be detained in slavery in that republic. One of the negroes in question was said to have been sold from among the crew of a British vessel in 1833 or 1834, and several others had been unlawfully introduced into Texas by John Taylor of Barbados. When Hamilton closed his mission on April 21, 1840, he was able to report that he had recovered five of the negroes he was seeking. The exertions of the Texas government in his behalf seem to have been satisfactory, for about a year later Lord Palmerston wrote to President Lamar expressing the thanks of Lord John Russell, the colonial secretary, for a letter written to Russell in October, 1840, on the subject.¹

4. Failure of Henderson's mission.

When General Henderson went to Paris in 1838 he took with him letters of introduction from Palmerston to Earl Granville, the British ambassador at Paris, through whom he was able to keep informed as to Palmerston's attitude in the matter of recognizing Texas. Having obtained French recognition and negotiated a commercial treaty with France, he returned to Texas, but stopped in London long enough to see Lord Palmerston and to ascertain that the English government was still unwilling to go the length of recognition. By this time Texas and the United States had become somewhat piqued by England's delay in the matter. Christopher Hughes, who represented the United States at Stockholm, interested himself personally relative thereto, and spoke a good word for Texas to Lord Palmerston. Cass, the United States minister at Paris, corresponded with Henderson and advised him to secure the recognition of as many Continental powers as possible, and so to force England into recognition by the strength of European public opinion. Henderson spoke of the possibility of inducing England to grant recognition by laying discriminating duties upon her commodities, but the Texas government seems to have been wise enough to understand the undesirability of a commercial war with that country, except as a last resort.²

¹Macgregor to Lamar, Dec. 26, 1839, and accompanying document marked "D"; Palmerston to Lamar, Apr. 8, 1841.

²Henderson to Irion, Apr. 12, 1838; Hughes to Jones, June 10, 1839; Henderson to Burnet, Aug. 5, and Oct. 11, 1839.

5. *Recognition secured.*

(1) *Treaties signed by Palmerston and Hamilton.*—In December, 1839, General James Hamilton of South Carolina, who had manifested a deep interest in Texas, and who was at this time engaged in an effort to sell the bonds of the republic to American and European capitalists, was sent to England as Texas agent to secure recognition, with authority to negotiate a treaty of amity and commerce with England, to treat under British mediation for peace with Mexico and for the establishing of the Texas-Mexican boundary, and to come to an agreement with the British holders of Mexican bonds. He appears first to have gone to France and then to the Netherlands and Belgium, to which countries he was also accredited. On July 28, 1840, Hamilton wrote from The Hague that he had seen Lord Palmerston, who said unofficially that if Hamilton would come to England after attending to his other business he would be willing to take up with him the matter of recognition and a commercial treaty. On November 6 he reported that he and Palmerston had agreed on a treaty of commerce and navigation which was to be signed shortly. On November 13 the treaty was signed by Palmerston and Hamilton at London. It made the customary provisions for the carrying on of commerce between the two countries. Each of the two, in the matter of import duties and the like, was to have the privileges granted to the most favored nation. For the first eight years of the duration of the treaty vessels owned and commanded by Texas citizens and manned by a crew of whom at least three-fourths should be Texas citizens were entitled to be considered as Texas vessels under the treaty, whether built in Texas or not. The treaty was to continue for eight years, and was to be effective thereafter until terminated by either party on twelve months' notice.¹ On November 14 Palmerston and Hamilton signed a convention providing that England should offer her mediation between Texas and Mexico, and that, if within six months of this offer Mexico should conclude a treaty of peace with Texas, then Texas should assume one million pounds sterling of the Mexican foreign debt contracted prior to January 1, 1835. The details of this transfer of the debt were to be ar-

¹This treaty may be found in Gammel's *Laws of Texas* (Austin, 1898), II 880-885.

ranged between Mexico and Texas. The ratifications of the convention were to be exchanged at London within nine months. By this treaty it was hoped that Texas might enlist in her behalf the interest of the Mexican bondholders, who had theretofore been antagonistic to Texas because by her revolt she weakened Mexico financially. Thus it was thought by the Texans that England's mediation might be stimulated; while, on the other hand, the assumption of the million pounds of debt was held out as a bribe to the Mexican government and a salve to the wounded pride of the Mexican people. At the same time a third treaty was signed, for the suppression of the African slave-trade. It was England's policy at this period to have the slave-trade branded as piracy by treaties contracted with all the principal powers of the world, and Lord Palmerston insisted on negotiating such a treaty with Hamilton, to whom, apparently as well as to the Texas people in general, it was very unpalatable. The treaty designated certain waters in which vessels of the British navy that had received authority for the purpose from the Texas government might search Texas vessels and, if they were found to be engaged in the slave-trade, take them to designate ports for condemnation, and corresponding authority was given to the Texas navy. It may seem strange that England should have insisted on making such a treaty with Texas, considering the improbability that Texas vessels would for some time at least engage in any considerable numbers in the slave-trade or in any other trade. Palmerston's conduct in the matter was probably explained for the most part by a desire to justify his recognition of Texas; for antislavery feeling was strong in England at the time, and Palmerston felt that he could not afford to grant recognition to Texas until she should make some concession to it. It is possible also that he looked forward to a time when Texas would have a merchant marine large enough to make such a treaty desirable, and he saw that the present weakness of Texas which made such a treaty almost useless also made it easily obtainable; while the strength which she might later attain would make the treaty desirable but also difficult to be secured. And he seems to have had another and more immediate reason for his policy. The British government was anxious to conclude such a treaty with the United States. The United States, while desiring

the abolition of the African slave-trade, was unwilling to grant to another power the right to search American vessels. England hoped that by getting the assent of as many other powers as possible to similar arrangements she might be able to force the United States government to surrender its prejudices and give its assent also. In this way the treaty with Texas, even though unimportant in itself, was considered important in its bearing on the relations of England and the United States.¹

(2) *Reasons for offering recognition at this time.*—Palmerston's reasons for recognizing Texas when he did are not altogether clear. Such uncertainty as he had entertained concerning the ability of Texas to maintain her independence was by this time no doubt resolved. The action of the United States, France, and the Netherlands in granting recognition gave Texas a secure place as a nation, and so destroyed one of Palmerston's main reasons for declining to recognize her. England wished, for political and commercial reasons, to hold a position of influence in the Texas situation, and to continue to hold this position it was necessary that England should now follow suit in recognizing Texas and henceforth deal with her as an independent power.² England's policy was, as has been said, to prevent the annexation of Texas to the United States. Texas, when she first was recognized by the United States, had applied for annexation also; but the Van Buren administration, for political reasons and from a fear of taking action that might put Texas in a false position, had declined to consider the proposition at that time. Thus at the period of Hamilton's mission annexation was not a live issue, and Palmerston felt that if recognition must come, which now appeared to be the case, it had best come at such a time as this, when it would seem to give least encouragement to the annexation impulse.

(3) *Exchange of ratifications postponed and delayed.*—The three treaties were at once sent to Texas for ratification. The commercial treaty and the treaty for mediation were sent out by Arthur Ikin, and they were immediately ratified by the Texas

¹Hamilton to Lipscomb, July 28, 1840, and Jan. 4, 1841; Burnet to Hamilton, Dec. 23, 1839; Hamilton to Jones, Feb. 18, 1842; Hamilton to Lamar, Nov. 6, 1840; Gammel, *Laws of Texas*, II 886-904.

²Smith to Jones, June 3, 1842.

government and were returned to England, where the ratifications were to be exchanged. Hamilton for some reason did not send to Texas the treaty in regard to the slave-trade until January, 1841, when Albert T. Burnley, who was his associate as financial agent of Texas, left Europe. Thus it did not reach Texas until the adjournment of Congress, and the Senate did not act on it until January, 1842. In the meantime Lord Palmerston, who apparently suspected that the Texas government was attempting sharp practice toward him, insisted on delaying action until the ratifications of all three treaties could be exchanged at one time. Thus, although the treaties by which England proposed to recognize Texas were signed in the fall of 1840, the recognition was not finally consummated until the summer of 1842. This disappointed Hamilton, who held a commission as envoy extraordinary and minister plenipotentiary to England, but who until the recognition finally took place could be received only as a mere diplomatic agent. Before recognition was actually realized his mission had come to a close. The offense to Hamilton's dignity was not the only inconvenience that Texas suffered as a result of the delay in recognition. For by this time a consul of London had been appointed in the person of Arthur Ikin, and, as he could be granted no *exequatur* so long as his country was unrecognized by the British government, he was for some time unable to perform his consular functions. After finishing the negotiations in England Hamilton returned to the Continent, where he stayed for the greater part of the time during the remainder of his mission; and meanwhile, although Ikin was left in charge of Texas affairs in London, relations between England and Texas were at a standstill. Hamilton hoped that the Texas cause might be advanced by the fall of the Melbourne ministry, which was now clearly about to give way; but the Peel ministry, by which it was succeeded, with the Earl of Aberdeen as foreign secretary, was equally obdurate in its refusal to put either the commercial treaty or that for mediation into effect without the treaty for the suppression of the slave-trade. The ratifications were all, under the terms of the treaties themselves, to be exchanged at London within nine months of the date of signature, but Hamilton signed with Aberdeen a protocol by which

the date for the exchange was advanced to August 1, 1842, so that the treaties were prevented from lapsing.¹

(4) *Ratifications exchanged and Elliot sent to Texas as chargé d'affaires.*—In December, 1841, the term of the Lamar administration expired, and Sam Houston again became president with Anson Jones as secretary of state. The new administration proceeded to make a clean sweep of the diplomatic and consular service. Jones wrote a curt dispatch to Hamilton in which he directed him to return to Texas at his earliest convenience, and stated that it was not thought necessary to send him formal letters of recall, as diplomatic relations had not been established with any of the courts to which he was accredited. This statement was true enough; but it did very scant justice to Hamilton, who in negotiating treaties with England and the Netherlands had done all that could have been expected of him and more than his predecessor had done, and who was in no way responsible for the delay of the Texas government in ratifying the treaties. He seems to have been already on his way home when his recall was sent out, for on February 8, 1842, he wrote to Jones from Austin. At the same time Ikin was removed from the Texas consulate at London and replaced by William Kennedy with the rank of consul-general. Kennedy's tenure of the office was short, for after Texas had finally been recognized he accepted the position of British consul at Galveston and was succeeded in London by Lachlan M. Rate. Ashbel Smith was appointed Texas *chargé d'affaires* to England and France as successor of Hamilton, and on his arrival in London in May, 1842, he took up with Lord Aberdeen the matter of exchanging the ratifications of the treaties. Aberdeen at first thought that this action should be delayed until August 1, according to the terms of the protocol he had signed with Hamilton; but Smith succeeded in persuading him so to hasten matters that the ratifications were finally exchanged on June 28. It was claimed that the delay was due, in part at least, to the remonstrances against recognition made by the Mexican *chargé d'affaires*. Some influence had been brought to bear on Sir Robert Peel by O'Connell and others to

¹Hamilton to Lipscomb, Dec. 3, 1840, and Jan. 4, 1841; Ikin to Mayfield, May 18, and June 3, 1841; Burnley to Burnet, Feb. 21, 1841; Miller to Jones, Jan. 22, 1842; Hamilton to Jones, Feb. 18, and Mar. 4, 1842; Kennedy to Jones, May 6, 1842; Smith to Jones, June 3, 1842.

refuse to ratify the treaties and decline to recognize Texas, but Peel had replied that the Melbourne ministry had pledged the national faith by entering into the treaties, and that he could not decline ratification. On May 31, 1842, Lord Aberdeen signed a letter accrediting Captain Charles Elliot of the British navy to the Texas government as British consul-general. Elliot's commission in this position was dated August 20, 1841, but his appointment was not completed at the time owing to the delay in regard to the treaties. On the day that the ratifications were exchanged Aberdeen signed a letter accrediting Elliot as *chargé d'affaires* to Texas, and Elliot proceeded at once to his post, announcing his arrival in Texas in a letter of August 23, 1842, to Secretary Jones from Galveston. He continued to hold the post of *chargé d'affaires* until Texas was annexed to the United States, and his relations with the Texas government were most cordial. He became the friend of Anson Jones in particular. Texas had for a long time wished that England would maintain an agent of some sort in Texas, but the English government had been unwilling to take the desired action. Now that the appointment had been made, the convenience of the arrangement from the standpoint of the Texas government was apparent. Negotiations in regard to the various English claims against Texas and, in large part, those in regard to the British mediation in Mexico were thereafter carried on in Texas, which made it possible to proceed with much greater expedition.¹

III. ENGLAND'S ENDEAVORS TO PREVENT ANNEXATION, 1842-1845.

1 *The motives.*

The key-note of England's dealing with Texas during this period was opposition to the annexation of that country to the United States. That she should have exerted herself to this end appears strange to one looking back from the present time, for it now

¹Jones to Hamilton, Jan. 26, 1842; Hamilton to Jones, Feb. 8, 1842; Kennedy to Smith, June 30, 1842; Smith to Jones, June 3, June 18, July 3, and July 4, 1842; Jones to Aberdeen, Mar. 4, 1842; Aberdeen to Jones, May 31 and June 28, 1842; Elliot to Jones, Aug. 23, 1842; Irion to Henderson, May 20, 1838; Jones to Kennedy, Feb. 28, 1842.

seems to us that annexation was from the beginning a certainty. And this view was certainly taken in England by some at least. In January, 1837, Wharton wrote from Washington that the English and French governments seemed to consider annexation inevitable and would not resist it. The Liverpool *Mercury* is reported as saying in 1844 that England in opposing annexation was opposing the natural course of human events, and that she should after all look upon it as favorable to her interests, since it would remove a cause of jealousy between England and the United States and would strengthen the American free-trade party. The English government, however, seems never to have taken this view. Perhaps it felt that the case of Texas might turn out to bear some resemblance to the case of Canada, which, from its geographical and economic position and because of ties of race and language, might also have been expected eventually to become a part of the United States, but which had never done so. Granting the possibility of keeping Texas out of the Union, England's motives for doing so were strong. In the first place, at that time English relations with the United States were by no means cordial,¹ and England had good cause to feel jealous of the encroachment of her American rival upon her political and commercial position in the Southwest. England was not only a heavy creditor of Mexico and the principal country trading with her, but English influence was dominant there politically. In fact, England's position was such that she felt justified in speaking of her "ascendency" in the Gulf of Mexico. Annexation of Texas to the United States, would threaten very seriously this ascendency. A second reason for England's policy was her fear for Mexico's safety in the event of the annexation of Texas. It seemed certain that annexation would cause a war between Mexico and the United States which would result in disaster to Mexico. This would still more seriously impair English ascendency in the Southwest. By maintaining the independence of Texas, a buffer would be secured between the two countries, and war between them would be averted. The expansionist tendencies of the American people seem to have created a distinctly unfavorable impression in England. Some suspicion was

¹The dispute over the northeastern and northwestern boundaries of the United States was causing much ill-feeling between the two countries while English recognition of Texas was yet in question.

probably entertained of a conspiracy such as was afterwards charged against the leaders of the Southern States, to detach Texas from Mexico and add it to the slave territory of the United States by sending American settlers into it, wresting it from Mexico, converting it into a republic, and finally annexing the republic to the United States. At any rate the English feeling on the subject seems to have been voiced by the Earl of Clarendon, who in a speech in the House of Lords in April, 1845, said that the restless and encroaching people of the United States would not in case of annexation be long without indulging their national taste for a boundary quarrel or establishing a cause of war with Mexico, and spoke of "a recent declaration made by the highest authority" according to which it had "for the last twenty years been the settled policy of the American Government to gain possession of Texas." It was natural that with such an opinion of the United States England should wish to see that country separated from Mexico by an independent State if possible. A third reason for England's desire for the continued independence of Texas was the fact that so long as Texas remained independent England would be able to secure favorable terms for commerce with her, with a possibility of the ultimate conversion of Texas to free-trade; but, if she entered the American Union, England's products would be shut out by the high tariff maintained by the United States. A specific motive mentioned in some of the letters of the time was England's desire to set up Texas as a rival of the Southern States of the Union in the production of cotton, with the expectation of obtaining cotton more cheaply from Texas on account of special commercial favors which England hoped to be able to persuade Texas to grant her. It was more than hinted at times that England hoped to be able to break down the American tariff by importing goods into Texas and smuggling them across the border into the United States, but it is of course unlikely that there was any basis for the charge. A fourth reason for England's conduct, and the one that attracted most attention, was her attitude toward slavery, of which she was the avowed enemy. By her treaties with the principal commercial nations she had almost broken up the slave-trade, and she now hoped to see the institution of slavery itself everywhere abolished. She regretted that it existed in Texas, but hoped through her moral influence and by giving financial aid

if necessary to stamp it out there. By so doing she would surround the slave States of the Union with a belt of free territory, thereby preventing the expansion of slavery which seemed essential to the continued existence of the institution itself. But, if Texas should become annexed to the United States, all this would be changed; for the Texas influence would be thus given permanently to the support of slavery, and it would become almost useless to hope for abolition, either in Texas or in the other Southern States. From this point of view it was desirable for England to keep Texas independent as long as possible, even supposing that she must ultimately become a part of the United States; for it might be possible in no very long time to stamp out slavery in Texas if isolated, and so to ensure ultimate abolition in the South. The American statesmen sometimes claimed that England hoped that by securing abolition in Texas she could make Texas a refuge for fugitive slaves from the Southern States, but it is unlikely that the English ever allowed themselves seriously to entertain such an idea, especially because of the fact that the United States would never have tolerated any such condition very long, even if the people of Texas could have been imagined willing on their part.¹

2. English mediation with Mexico.

(1) *Mediation offered under the treaty.*—While Texas and the United States desired annexation on general principles, this desire was much intensified by the fact that it was thought that only by annexation could Texas secure relief from the predatory warfare waged against her by Mexico. Hence it was England's part to endeavor to restore peace between Texas and Mexico, and England had recognized the fact long before this time. In December, 1839, before Hamilton's appointment as diplomatic agent of Texas, Richard Pakenham, the British minister to Mexico, wrote to him that he had been instructed by Lord Palmerston to offer England's good offices on behalf of Texas with the Mexican government, but that the state of public opinion in Mexico was such

¹Wharton to Austin, Jan. 6, 1837; *Niles' Register*, LI 38-40, LVI 161, 166 (Upshur to Murphy, Sep. 22, 1843), 167-171 (Upshur to Everett, Sep. 28, 1843, and Upshur to Murphy, Jan. 16, 1844), 273-274; Terrell to Clarendon, May 5, 1845; Clarendon to Terrell, May 10, 1845; Smith to Van Zandt, Jan. 25, 1843; Smith to Jones, July 2, 1843.

that he was able to secure nothing more than an assurance from Cañedo, the Mexican minister of foreign affairs, that commissioners from Texas would be listened to, with the distinct understanding, however, that no proposition for the surrender of the Mexican right of sovereignty over Texas would be entertained. In spite of this reservation, James Treat was sent to Mexico in the spring of 1840 as the confidential agent of Texas; but, as might have been expected, he was able to accomplish nothing. When Smith went to England to Exchange the ratifications of the treaties he found the British government not over-enthusiastic on the subject. Annexation was not at that time looked upon as an immediate probability, and consequently the British ardor for securing peace between Texas and Mexico had cooled somewhat. Lord Aberdeen told Smith that there was little chance for the success of British mediation with Mexico, saying that Pakenham had carried on a voluminous correspondence with the Mexican government on the subject and had been unsuccessful. As Smith pointed out to the Texas government, it was to the interest of England to act in the matter no more energetically than necessary, since any action on the subject jeopardized the friendship of Mexico and England. When the treaties were ratified, however, it became England's duty to renew the offer of her mediation, and Pakenham was accordingly directed again to lay the matter before the Mexican government. On August 30, 1842, he wrote to Lord Aberdeen that Mexico had declined to accept the offer. The fact seemed to be that Santa Anna's tenure of the presidency of Mexico was dependent on his large army, and he needed the Texas question as an excuse for keeping up its numbers.¹

(2) *Friction between England and Texas.*—During the same period in which England was offering her mediation under the treaty, Lord Aberdeen exerted himself in another way to secure peace between Texas and Mexico. In the spring of 1842 President Houston proclaimed a blockade of the Mexican ports as a measure of war between the two countries, and one of Ashbel Smith's first duties in England was to notify Lord Aberdeen of the existence of this blockade. Aberdeen spoke at the time of the unfortunate results likely to arise from the blockade. It would, of course, be

¹Pakenham to Hamilton, Dec. 12, 1839; Smith to Jones, May 17, and Oct. 17, 1843.

highly injurious to England and would be of comparatively little value to Texas. Moreover, as Aberdeen pointed out, it would be very apt to result in friction between Texas and the powers trading with Mexico. The move was certainly an unfortunate one unless it was designed to bring home to England the fact that war was still being waged against Texas and thus stimulate her mediation. Even in this case it would have had the disadvantage of making it less easy for England to mediate successfully. In a few days the subject came up in the House of Commons, where Disraeli by a question elicited from Sir Robert Peel the fact that the blockade would be recognized by England although Texas herself at that time had not obtained final recognition. Aberdeen at once asked, however, that the Royal West India Mail Steamers be excepted from the blockade, saying that they carried only passengers and mail and no freight and that they had been excepted from the blockade that France had recently maintained against Mexico. The request was granted, but before news of this action reached England the blockade was revoked by a proclamation of President Houston on September 12. Houston acted at the suggestion of Captain Elliot and of Joseph Eve, the United States *chargé d'affaires* to Texas. It is likely that by so doing he averted a disagreement with England; for on September 21, 1842, after the blockade had been raised but before the news had reached England, Aberdeen notified Smith that, since the dispatches from Pakenham showed that the blockade was not being efficiently enforced, the British government would no longer recognize it. The fact was that the Texas navy was not strong enough to maintain such a blockade, and that during the summer the Texas vessels had been withdrawn for repairs and refitting, with the intention of resuming the blockade in the fall. Of course no such blockade as this would be respected when it inconvenienced the commercial powers of the world. There was even fear that Spain, which inclined to favor Mexico against Texas, would send out a warship to force the blockade. President Houston thus acted discreetly in allowing Elliot and Eve to persuade him to raise the blockade.¹

¹Smith to Jones, June 3, June 18, and Sep. 8, 1842; Smith to Aberdeen, Dec. 10, 1842; memorandum, Sep. 10, 1842; Aberdeen to Smith, Sep. 21, 1842; Terrell to Smith, Aug. 20, 1842.

During the first six months of Smith's stay in Europe the greatest share of his attention was occupied by an incident which in its ultimate outcome was unimportant, but which from the light it casts on the attitude of the English government is very instructive. On May 6, 1842, four days before Smith's arrival in London, William Kennedy, the Texas consul-general at that place, wrote to John H. Brower, the Texas consul at New York, in regard to a vessel, the *Guadalupe*, that was being built at Liverpool for the Mexican government. She was an iron war-ship of about seven hundred tons, and was to be ready for sea in June. The matter is mentioned in the first letter written from London by Smith, who also speaks of another war-ship, the *Montezuma*, being built at London for Mexico, and says that he will protest to the British government in order, if possible, to prevent their departure from England. He had an interview with Lord Aberdeen on May 31, when the subject was brought up. Aberdeen did not think that the government would be willing to detain the vessels, and thought that its policy would be to permit both Mexico and Texas to obtain in England such supplies as they wished. The *Montezuma* turned out to be even larger than the *Guadalupe*. Smith received reliable information that they were being built for use against Texas and Yucatán, and that they were contracted for by Lizardi and Co., the Mexican house with which Texas was already unpleasantly acquainted. Their crews were recruited in England, and their commanders were officers in the English navy. Smith exerted himself energetically to prevent the vessels from sailing. On June 14 he sent a formal protest to Lord Aberdeen, declaring that the incident was inconsistent with the friendly relations existing between England and Texas. Aberdeen, however, declined to act, merely stating that the government had refused to grant permission to arm the vessels in English ports. On July 1, Smith wrote Aberdeen again, calling attention to reports that the vessels were built under the auspices of Lord Melbourne's ministry, and that the admiralty had furnished the plans and models for them and had assigned officers to command them, although they were built expressly to act against Texas. Aberdeen replied that the vessels were not armed, and that no officers of the British service would be permitted to serve in the Mexican navy against Texas. In the meantime the *Gaudalupe* sailed. Smith felt that

the resolution of the government was such that nothing could be gained by pressing his views upon it, and accordingly went to France. The incident, however, had gained some notoriety, and on August 2 was the subject of comment in the House of Commons. Here the matter would probably have ended, and the *Montezuma* would doubtless have been allowed to depart in peace, but for the interference of General James Hamilton, who was again in England in a personal capacity. He and a certain nobleman who brought the matter to his attention sought to obtain a letter of marque from the Texas government enabling them to take the *Montezuma* as a prize on the high seas, but when they found this impossible they proceeded against her under the Foreign Enlistment Act, by which the treasury board was empowered to seize and confiscate vessels equipped, furnished, fitted out, or armed to make war against a country at peace with England. The vessel was seized under this act by the commissioners of customs; but when the treasury board was appealed to it was decided that, while the law had been violated, the violation was unintentional. This decision was based on the argument that the *Montezuma* was technically a British vessel, as she was not formally to be turned over to the Mexican government until she reached Vera Cruz, and she was technically only a merchant vessel, since she carried her guns in the hold instead of on the swivels that had been prepared for them. Accordingly, after a detention of almost a month, she was released, but only after her crew had been reduced to the number properly required to man a merchant vessel of her size, and after her guns, carriages, and military stores had been sent ashore. Even then the subject was not dropped, for Hamilton sought to have her seized by the British naval officer in command at Havana, where she was to touch on her way to Mexico. Hamilton's conduct in the matter was, of course, by no means altruistic, since he and his associates would have profited by the condemnation of the *Montezuma*; and it was considered particularly indelicate in that he, although his relations with the Texas administration were by no means cordial, undertook to act almost as if he had been an official representative of Texas and consistently therewith submitted to the Texas government an "official" report of the action he had taken. Smith afterwards conducted an extended correspondence on the subject with Aberdeen in which the points of in-

ternational law involved were discussed at some length, and in which considerable tartness was developed on both sides. Smith of course accomplished nothing in regard to the vessel itself, since it had sailed long before the correspondence was more than well under way; but he hoped that by reiterating his protests on the subject until the British government was, as he said, thoroughly tired of the matter, he might at least impress his objections very strongly on the government's memory and make it very cautious in regard to repeating the offense of which he complained. Through James Reily, the Texas *chargé d'affaires* at Washington, the matter was brought to the attention of President Tyler, who undertook to send the United States frigate *Mississippi* into the Gulf for the protection of Texas. Throughout this whole affair, the attitude of the English government was that of defending English commerce above everything else. It would not, to the detriment of this commerce, forbid the fitting out of Mexican vessels in England or the purchasing of supplies by Mexico for use against Texas so long as any color of legality could be found to justify its doing otherwise. Apparently it had no desire to befriend Mexico against Texas nor any to continue the war between the two countries. As Lord Ashburton and Fox, the English minister to the United States, told Henry Clay in the spring of 1842, England would be as likely to aid Spain in reconquering the Low Countries as to aid Mexico in reducing Texas, and in the relations between Texas and Mexico her first desire was for peace. And yet the building of the vessels in England was likely to encourage the early renewal of active hostilities on the part of Mexico. England's desire for peace at this time was by no means so acute as it afterwards became, and just now it was easily overpowered by considerations of commercial gain.¹

(3) *Suspension of hostilities with Mexico.*—On January 31, 1843, Jones directed Smith to protest to the English and French governments against the uncivilized warfare waged against Texas by Mexico. On June 10 Jones

¹Kennedy to Brower, May 6, 1842; Smith to Jones, May 17, June 3, June 18, July 12, Aug. 13, Oct. 19, and Dec. 30, 1842; Russell to Smith, June 4, 1842; Aberdeen to Smith, Sep. 27, and Nov. 8, 1842; Smith to Aberdeen, June 14, July 1, Sep. 14, Sep. 19, Oct. 10, and Dec. 12, 1842; Reily to Jones, Apr. 14, and July 11, 1842.

sent to Smith a formal declaration to be laid before England and France informing them that, unless before the meeting of Congress in the following December peace or a satisfactory armistice had been concluded between Texas and Mexico, Texas would commence offensive war. Before this declaration, however, was presented, other instructions were received by Smith, and it was only shown informally to the English and French governments; for on June 9 Captain Elliot received a letter from Percy W. Doyle, the British *chargé d'affaires* in Mexico, who said that Santa Anna had agreed to order a cessation of hostilities if President Houston would do likewise, and to receive commissioners from Texas. Houston accordingly proclaimed a cessation of hostilities on June 15. By July 24 Elliot was able to state the Mexican position more clearly. Mexico still insisted, he said, on a recognition of her sovereignty over Texas in any agreement that might be reached, and he thought there was little likelihood of her receding from the demand. He was very anxious, however, to have Texas enter upon the negotiation for what it might be worth, and thought that Texas by making the nominal concession of Mexican sovereignty could obtain peace, security, and virtual independence. The English government was not so enthusiastic on the subject, for Smith said that Aberdeen and Addington had told him that they had heard Santa Anna was going to make propositions to Texas concerning it, but they thought that, since Santa Anna had said that he could not maintain his position for two days if he should entertain the question of recognizing the independence of Texas, these propositions did not promise a permanent peace. Aberdeen said that he did not think the propositions had anything to do with English mediation. But the Texas government took the matter up and sent commissioners to negotiate with General Woll. After some delay the commissioners drew up and signed an armistice, which the Texas government refused to ratify because in form it was not sufficiently respectful to Texas, and also because the Mexican government failed to give notice that it had ratified the proposed agreement. Accordingly by July, 1844, the Texas government in-

formed Smith that General Woll had announced the renewal of hostilities between Texas and Mexico.¹

(4) *Proposal for joint mediation.*—From the first Texas felt unwilling to rely on the efforts of England alone for the restoration of peace with Mexico. Some weeks before the treaty between England and Texas on the subject of mediation went into effect Anson Jones directed Smith to urge joint interposition by England, France, and the United States. Smith was in France when he received Jones's instructions on the subject, and he at once took up the question with Guizot, the French premier. In the latter part of August, 1842, he wrote to Lord Aberdeen on the subject, saying he understood that the French ambassador in London was instructed to lay the matter before the English government. The proposal was, indeed, at once accepted by France, but it was very distasteful to England, which wished no coadjutors in its position as closest European friend of Texas. Before the end of August Smith had returned to London, where he saw Lord Aberdeen and Addington, his under-secretary. They were of the opinion that Texas should rely on mediation by England alone, since England's relations with Mexico were much more cordial than those of France or the United States. For France had not long before maintained a blockade of the coast of Mexico, while the United States was very nearly at war with Mexico owing to correspondence between Daniel Webster, the American secretary of state, and Bocanegra, the Mexican minister at Washington, in regard to the relations of Texas and their respective nations. England's unwillingness to enter into the joint mediation proposed was no doubt intensified by the fact that her own relations with France were then very cool. In this state of affairs Texas appealed to the governments of England, France, and the United States separately to put an end to the war being waged against her by Mexico, but assured England that Texas was relying on the powers which had offered their friendly mediation and would use no other means to effect an adjustment. It

¹Jones to Smith, Jan. 31, June 10, June 15, and July 14, 1843; Elliot to Jones, June 10, and July 24, 1843; Jones to Elliot, June 15, 1843; Smith to Jones, June 16, 1843; Van Zandt and Henderson to Calhoun, May 15, 1844.

is difficult to reconcile these two acts, but some light is thrown on the subject by the fact that the assurance to England was given for the immediate purpose of conveying the news that Texas did not intend in the matter to make use of the services of General Hamilton, who had proposed to end the war by a secret negotiation at Washington between himself, the American government, and Almonte, the Mexican minister. The English and French governments, however, decided to exercise their mediation, but to act independently. By the end of the year Smith had expressed it as his opinion that English mediation under the treaty negotiated by Hamilton and Palmerston was utterly hopeless, and the Texas government felt that war must be actively renewed unless friendly powers succeeded in prevailing upon Mexico to make peace.¹

3. *Annexation Promoted by English Efforts to Secure the Abolition of Slavery in Texas.*

(1) *Reported utterances of Aberdeen.*—Aberdeen's policy during this period was such as indicates that he felt that he had the Texas situation still in hand. He seems to have considered that there was no reason to fear that annexation would soon again become an active issue. Thus, at a time when the situation was really delicate and when the success of his policy demanded the greatest caution on his part, he undertook an aggressive measure by which he played directly into the hands of his opponents. The annexation party in the United States under the leadership of such men as John C. Calhoun and President Tyler was preparing to make annexation the foremost issue in American politics, and it was bad policy on England's part to take any steps that would give color to the assertion that she was interfering in Texas in such a way as to disturb the interests of the United States. Such a step was taken by Aberdeen in his stand on the question of slavery in Texas. It was perfectly well known that England desired to see the universal

¹Jones to Smith, June 7, 1842; Smith to Guizot, Aug. 15, 1842; Smith to Aberdeen, Aug. (no day given, but evidently in latter part of month), 1842; Smith to Jones, Aug. 31, Oct. 17, and Nov. 30, 1842; Terrell to Smith, Oct. 15, and Dec. 7, 1842; Hamilton to Jones, Nov. 24, 1842; Jones to Van Zandt, Dec. 25, and Dec. 26, 1842.

abolition of slavery. This desire as to Texas had been avowed by Lord Palmerston when he first came into relations with General Henderson. The subject had not been pressed, however, and it was in the background until 1842. In July of that year, as Ashbel Smith reported, he was approached by a person in the confidence of the British government, who suggested that slavery should be abolished in Texas, England reimbursing Texas for financial losses resulting from the abolition; or, as an alternative, that Texas should be divided on the line of the Colorado River into two states, of which the eastern should be slave-holding and the western free-soil. Smith was told at the time that Aberdeen was cognizant of the plans and had said that by the division of Texas into two parts as suggested the whole of that country would ultimately become non-slaveholding. Smith, however, did not take the matter seriously, and the subject seems to have been forgotten until a year later. In the summer of 1843 a general anti-slavery convention met in London, and as was natural the subject of slavery in Texas came up for consideration. J. P. Andrews, a lawyer from Houston, Texas, was present in the interests of abolition. A committee of which Andrews was a member waited on Lord Aberdeen, who informed it that England "would employ every legitimate means to attain so great and desirable an object as the abolition of slavery in Texas." The convention made many suggestions as to the means of obtaining abolition, one of which, the guaranty by England of a loan to Texas to be used in paying for slave property held in the Republic, was said to have been endorsed by Aberdeen. Smith felt it necessary to tell Aberdeen that Andrews in no sense represented the government or the people of Texas, and to state that it would be impossible for Texas to accept anything in the nature of a British subsidy for the abolition of slavery, without a greater sacrifice of national dignity than she was willing to make.¹

(2) *England's stand for abolition brings annexation.* — This would probably have ended the matter if it had not now come to the attention of the government of the United States. But on August 8 Abel P. Upshur, the American secretary of state, wrote to William S. Murphy, the American *chargé*

¹Henderson to Irion, Oct. 24, 1837; Smith to Van Zandt, Jan. 25, 1843; Smith to Jones, July 2, and July 31, 1843.

d'affaires in Texas, that he had just learned of the Andrews movement in England through a private letter from a citizen of Maryland. This letter afterwards became the subject of some notoriety and is thought to have been written by Duff Green, who was a friend of John C. Calhoun, and who was then in London. Green in his letter said without qualification that Aberdeen had agreed to guarantee the interest on a loan to be made to Texas for the purpose of extinguishing slavery. Upshur, who was somewhat exercised on the subject, instructed Murphy that the United States could not permit any such interference. On August 18 Lord Brougham, who was one of the most conspicuous of the English abolitionists, brought up the subject of slavery in Texas in the British House of Lords. In reply to his questions on the subject Lord Aberdeen spoke at some length, saying among other things that the government would make every effort to affect abolition in Texas, and that Brougham could not entertain a more ardent desire to put an end to slavery than was entertained by Aberdeen himself. He intimated very strongly that he was negotiating with Texas on the subject, but declined to communicate any definite information at the time. On hearing of this Upshur wrote to Edward Everett, American minister at London, directing him to obtain further information in regard to Aberdeen's negotiation with Texas. Everett communicated with Ashbel Smith, who was entirely in the dark on the subject and supposed that the negotiation was being carried on in Texas by Captain Elliot. Aberdeen, however, in an interview gave Everett the truth of the matter. With Texas directly no negotiations had taken place; but this statement could not have been meant to cover Aberdeen's tentative suggestion during the summer of 1842 of the plan for England's assisting Texas with money in the policy of abolition which Smith had reported. As to the proposal made by the abolition convention, which he was said to have endorsed, he declared that it had been promptly rejected. He said that the negotiation to which he referred in his speech in the House of Lords was the negotiation that he was carrying on with Mexico for the restoration of peace with Texas; for he entertained some hope that Mexico could be induced to recognize Texas on the condition, more or less clearly expressed, of the abolition of slavery by Texas. He told Everett that England would not interfere improperly in the

domestic concerns of Texas or the United States and had nothing in view toward Texas that need cause any anxiety in the United States. Aberdeen by this time saw that, through the agitation in the United States to which he had given rise, he had materially injured his own cause; for it was clear that the Southern party, which was particularly interested in the annexation of Texas, proposed to use English interference in Texas as a strong argument to hasten annexation by appealing to the suspicion with which England was in general regarded by the American people. Accordingly on December 26 he wrote to Richard Pakenham, who was now British minister to the United States, making a definite statement of the policy of the English government with reference to Texas. He said that so far as England's desire to see Texas recognized by Mexico was based on selfish motives at all, it was based on England's interests as a commercial power having dealings with Texas. She had no desire to acquire any undue influence in Texas with regard to slavery or any other matter, and while her desire to see slavery everywhere abolished was perfectly well known she had no notion of acquiring a dominant influence in Texas or of influencing the United States through Texas. This dispatch Pakenham was directed to lay before Upshur, and a copy was sent to Elliot and by him delivered to the Texas government. Pakenham did not deliver the letter to the American government, however, until February 26, 1844. As this was only a few days before the accident on board the *Princeton* by which Upshur was killed and the business of the state department disarranged, Pakenham was not answered until April 18. Calhoun, who had by this time succeeded Upshur as secretary of state, then wrote Pakenham a diplomatic note expressing his concern at the statement in Aberdeen's letter that Great Britain desired and was constantly exerting herself to procure the general abolition of slavery throughout the world, and stating that as abolition in Texas would be injurious to the interests of the United States it would be necessary for that nation to adopt the most effectual measures to prevent the bringing about of abolition through undue influence exerted on the part of England. Several notes accordingly passed between Calhoun and Pakenham on the subject. On May 17, 1844, the matter came up again in the House of Lords, where Lord Brougham took occasion to say that nothing that he or Aberdeen

had said justified the inference that England, although deploring the existence of slavery, ever contemplated any interference with the institution in America. These incidents served to bring out the attitude of England on the question of slavery, and slavery in Texas in particular; but they were not able to counteract the effects produced by the events of the summer of 1843. For in October, 1843, less than two months after Lord Aberdeen used in the House of Lords the language that caused the excitement, Upshur informed Isaac Van Zandt, the Texas *chargé d'affaires* at Washington, that recent happenings in Europe had given a new interest to the subject of annexation, and that he was prepared to make propositions on the subject to Van Zandt as soon as the latter should be authorized to receive them. The result of this was that when Calhoun wrote Pakenham his note of April 18, 1844, he was able to inform him at the same time that he had negotiated a treaty of annexation with Texas.¹

(3) *England aroused by prospect of annexation.*—The representatives of the English government had learned before this that Texas was again actively engaged with the annexation question. In March, 1844, Elliot in a note to Anson Jones asked whether Texas was considering the American propositions for annexation, saying that Mexico could not be expected to enter into any arrangement with Texas as long as annexation was immediately in view. Jones said in reply that, since Texas had given up hope of peace with Mexico, and since the door to annexation had been unexpectedly opened, the Texas Congress had instructed President Houston to negotiate on the subject, in accordance with which instruction General Henderson had been sent to Washington. Ashbel Smith wrote on June 2 that the annexation treaty was receiving much attention in England, and that

¹*Niles' Register*, LXV 49 ("Debate in Parliament relative to Texas"), LXVI 164-165 (Upshur to Murphy, Aug. 8, 1843), 166-167 (Upshur to Everett, Sep. 28, 1843), 169 (Everett to Upshur, Nov. 3, 1843), 170 (Upshur to Thompson, Nov. 18, 1843), 171 (Pakenham to Upshur, Feb. 26, 1844), 172 (Calhoun to Pakenham, Apr. 18, 1844), 202-203 (Pakenham to Calhoun, Apr. 19, 1844, Calhoun to Pakenham, Apr. 27, 1844; Pakenham to Calhoun, Apr. 30, 1844), 225 ("Annexation of Texas"); Everett to Smith, Oct. 24, 1843; Smith to Everett, Oct. 31, 1843; Aberdeen to Pakenham, Dec. 26, 1843; Upshur to Van Zandt, Oct. 16, 1843.

England and France had instructed their ministers at Washington to protest against it. This action was not to be taken, however, until the annexation treaty should be ratified, and hence the protest was apparently never made. The new agitation of annexation seems to have taken England by surprise, for it had been thought that the known anti-annexationist views of President Houston were a sufficient guaranty that no proposals for annexation would be considered. England and France were acting in concert on the Texas question, as Aberdeen told Smith at the time. Aberdeen, when he first heard of the annexation treaty, seems to have felt that he had been tricked, but Smith was able to set the matter before him on a light more favorable to Texas. Smith expressed to Aberdeen his personal opinion that if England and France would compel Mexico to make peace with Texas Texas would be willing to reject annexation. Mexico was now on less cordial terms with England than formerly on account of commercial restrictions laid on foreign commerce by the former. There was talk of Mexico's being compelled by England and France to remove the restrictions, and for a time diplomatic relations between England and Mexico were broken off. On June 24 Aberdeen informed Smith that if the annexation treaty failed of ratification by the United States Senate (which had actually happened on June 8) England and France would be willing to enter into a "diplomatic act" with Texas, the United States, and Mexico, settling the boundaries of Texas and guaranteeing its independence, and he added that if Mexico refused to accede to the act they would force her to acquiesce in it. The result of such an act would have been to guarantee Texas against molestation from Mexico on condition of her giving England and France a negative on the annexation of Texas to the United States. Smith advised against the arrangement, thinking that Texas would lose more than she would gain by it. The Texas government was willing to negotiate with England on the subject, but insisted on negotiating in Texas. This last point was still unsettled when Smith was granted leave of absence and George W. Terrell appointed to occupy temporarily his position. Terrell in January, 1845, brought the matter fairly before Lord Aberdeen, who expressed his willingness to carry on

the negotiation in Texas, intimating that instructions on the subject had already been sent to Elliot.¹

(4) *Defection of France and change in the attitude of Mexico.*—England was by this time thoroughly aroused to the danger of annexation unless determined measures were at once taken to prevent it, for she saw that the Texas people were strongly in favor of it, and that the American government had come to take the same position. In this state of affairs Lord Aberdeen was no doubt annoyed by indications that France, which was acting in concert with England, was not disposed blindly to follow the English policy, which was now to interfere authoritatively to prevent annexation. In January, 1845, Lord Aberdeen brought to Terrell's attention published letters of John C. Calhoun and William R. King, the American minister at Paris, which developed the fact that Guizot had told King that France would not consider annexation of sufficient importance to interrupt friendly relations with the United States. Aberdeen investigated the matter through Lord Cowley, the British ambassador at Paris, who reported that Guizot had told him that France was ready to unite with Great Britain and to go the whole length proposed by her, this being the guaranty of the recognition of the independence of Texas without further molestation, and that the two powers were prepared at any moment to sign with Texas a diplomatic act making the guaranty. The conflict between Guizot's statements to King and to Lord Cowley was not irreconcilable, but it seems to have given Aberdeen a feeling of uncertainty. Before the end of the month Terrell learned from Aberdeen that the French government, in view of a new development, no longer considered a diplomatic act necessary, though Guizot still spoke of a certain "*moral guaranty* which the two governments will have given to Texas, if at their instance she shall withhold her assent to annexation to the United States." This Aberdeen understood to mean the moral obligation under which England and France would rest to maintain the independence of Texas if at their solicitation she should decline annexation. The new development in question was a

¹Elliott to Jones, Mar. 22, 1844; Jones to Elliot, Mar. 25, 1844; Smith to Jones, Jan. 29, June 2, June 14, and June 24, 1844; Jones to Smith, July 14. and Aug. 1, 1844; Terrell to Smith, Jan. 21, 1845.

change of attitude on the part of the Mexican government. Aberdeen received from the British minister to Mexico a written avowal from Santa Anna of his willingness to recognize Texas with the Colorado River as boundary. The proposed boundary was of course preposterous, but Aberdeen considered Santa Anna's avowal distinctly encouraging, since it admitted the principle of recognition, which had theretofore been persistently denied, while there would be a probability of his agreeing to more favorable terms at a later date. In December, 1844, a revolution took place in Mexico, by which Santa Anna was deposed and Herrera made president. The new government was disposed to continue the efforts to make peace. By May 9, 1845, Terrell was able to report that Aberdeen had received information that the Mexican government was willing to recognize Texas if that republic would declare against annexation. England and France accordingly agreed to mediate between the two countries. On March 29 Ashbel Smith, whom Anson Jones, the new president of Texas, had made secretary of state, signed preliminary proposals for a treaty, which were put before the Mexican government through the English and French representatives in Texas and Mexico. Mexico was to recognize Texas, in return for which Texas was to bind herself not to become annexed to any other country. Boundaries were to be decided on in the final treaty, and if the parties could not agree the subject was to be submitted to umpires. To give the mediating powers time to submit these proposals to Mexico, Smith signed a protocol with Elliot and Count Dubois de Saligny, the French *chargé d'affaires* in Texas, agreeing on the part of Texas not to accept any proposals for annexation to any other country for ninety days. This provision was practically nullified by a reservation made by Smith that if the people of Texas should decide to pursue the policy of annexation the Texas government might notify England and France to that effect and without any breach of faith be at liberty to consummate the same. The proposals were laid before the Mexican government, which on May 19, through Luis G. Cuevas, minister of foreign relations, accepted them. Lord Aberdeen in the meantime was exerting himself in other ways to prevent annexation. As early as July, 1844, Smith had written home from London

suggesting that England and France might be willing to make commercial concessions to Texas to induce her to remain independent. Accordingly the subject was mentioned in **instructions** furnished to George W. Terrell when he was sent out to take Smith's place. In February, 1845, Terrell brought the matter before Lord Aberdeen, who at first was unwilling to take it up. Terrell, however, by pointing out to him the fact that England by admitting Texas goods on specially favorable terms would give the opponents of annexation a strong argument with which to advance their cause, was able to persuade Aberdeen to change his opinion; for he finally promised to lay the matter before the cabinet and board of trade and said that important modifications in the tariff were likely to be made at the present session of parliament, when Texas would receive the most liberal treatment consistent with England's treaty obligations. The English government also sought to recover as much as possible of the ground that had been lost by the movement for the abolition of slavery in Texas. Aberdeen was very anxious to have it understood that he did not seek to have abolition made a condition of the recognition of Texas by Mexico. In June, 1844, he told Ashbel Smith that he regretted the agitation that had been caused by the discussion of abolition in Texas, and said that thereafter he would have nothing to say on the subject. In a conversation in February, 1845, Terrell obtained a very explicit statement concerning abolition from Lord Aberdeen, who said that England might have made her recognition of Texas contingent on abolition; but that, now that she had recognized Texas, she had no right to interfere in the matter and did not intend to do so. He was disposed indeed to subordinate everything in his dealings with Texas to his desire to prevent annexation, for it was still quite clear that this would mean war between Mexico and the United States and disaster to Mexico.¹

(5) *Annexation in spite of English opposition.* — The annexation movement, however, had now proceeded entirely too far to be stopped. It had been the leading issue in the American presidential campaign of 1844, and had received a triumphant

¹Terrell to Smith, Jan. 21, Jan. 27, Feb. 13, and May 9, 1845; Smith to Jones, June 24, and July 31, 1844; Jones to Terrell, Oct. 29, 1844; "Conditions preliminary to a Treaty of Peace between Mexico and Texas," Mar. 29, 1845; Jones, *Republic of Texas*, 473-474; Cuevas's "Declaration," May 9, 1845.

sanction from the people. Consequently at the session beginning in December, 1844, resolutions for the annexation of Texas were presented to Congress and finally passed just before the close of the session. The matter was then at the disposal of the Texas government. The opponents of annexation in Texas, of whom Terrell was one of the most prominent, entertained hopes that the matter would be allowed to rest until the next regular session of the Texas Congress, which would meet in December, 1845, and that in the meantime Mexico might be brought through England's mediation to offer such terms as would cause the people of Texas at least to hesitate before accepting the American proposals for annexation. But feeling in Texas was so strong that it became apparent that this course would not be adopted. The Texas Senate refused to confirm the nomination of Terrell to the mission to England and France, and Ashbel Smith was sent out again, reaching London on May 14. His mission had scarcely any other purpose than to explain to the English and French governments that Texas was fully resolved by this time to accept annexation on the terms of the joint resolution passed by the American Congress. He suggested to Aberdeen at his first interview that it might be desirable to have definite proposals from Mexico for submission to the Texas people at the same time that the annexation question should be submitted to them. Aberdeen had small hope that Mexico would be willing to recognize Texas, saying that while the policy of recognition might commend itself to the government it would be so unpopular with the Mexican people that there could be no hope of its adoption. He intended to press the subject upon Mexico, but on account of the jealousy of the people of Texas and the United States and the unwillingness of France to unite with England in the use of compulsion he would use only moral suasion. Aberdeen decided also not to enter into new commercial arrangements with Texas just then, probably thinking it undesirable at a time when the continued independent existence of the republic was a matter of much doubt. Smith intimated in his correspondence that England was disposed to leave Mexico to the consideration of the arguments already presented to her in the interest of Texas. He said that if the next mails from Mexico brought no news of a change in that country's attitude toward Texas he would then, pursuant to his instructions, notify the English and French

governments that Texas would no longer look for a settlement of its affairs from the mediation of friendly powers, but would rely solely on its own resources, pursuing its welfare and honor as seemed best, and that if it chose to maintain its independence it would force the acknowledgment thereof from Mexico. His second and last dispatch from London, written on June 3 on the eve of his return to Texas, while making no mention of this notification, left the inference that it had been made, for he said he considered his longer stay in London unnecessary. By his departure he in fact broke off relations between England and Texas by admitting that annexation was a practical certainty. Smith's action was, of course, taken in ignorance of the course pursued by General Herrera's government. By the proposals signed by the minister of foreign relations, Cuevas, on May 19, 1845, and transmitted to President Anson Jones on June 2 by Captain Elliot the very alternative which Smith had spoken of as so desirable was put before the people of Texas. By accepting the proposals of Cuevas Texas would be assured of peace with Mexico while she would retain her independence and the friendship of France and England. If she preferred, however, to become annexed to the United States she could do so by accepting the proposition offered by the American Congress. Jones on June 4 issued a proclamation informing the people of Texas that the alternative existed. On June 6 an extraordinary session of the Texas Congress met on Jones's call at Washington, Texas, to consider the question of annexation, and such other matters as might be laid before it. The proposals of the Mexican government, were submitted to the Senate, but they were rejected, and soon afterwards Congress adopted the resolutions accepting the offer from the United States. Jones also called a convention to meet at Austin on July 4, and to this convention he submitted both the resolutions for annexation and the Mexican proposals. But the convention, like the Congress, approved the terms of annexation and disregarded the proposals of Mexico, proceeding to the adoption of a constitution for Texas as a State of the American Union. Thus the hopes of England were finally disappointed, and the English policy was definitely defeated.¹

¹Terrell to Smith, May 9, 1845; Smith to Terrell, Feb. 10, 1845; Smith to Allen, May 17, and June 3, 1845; Jones to Alleye de Cyprey, June 6, 1845; Brown, *History of Texas*, II 305-307.

(6) *Effect of annexation on treaties.*—Elliot, who had gone to Mexico in the spring of 1845 to assist Charles Bankhead, the British minister to Mexico in persuading the Mexican government to accept the preliminary proposals of Texas, on his return to Texas went at once to the United States on personal business and returned to Texas only for a brief stay. His last interchange of notes with Allen, the Texas secretary of state, was of an interesting nature. In the debate in the House of Lords on May 17, 1844, to which reference has already been made, Lord Aberdeen, speaking of the treaty of annexation that was then under consideration, had said that the annexation of Texas raised a question new and unexampled in the history of public law, which would receive serious attention from the government. This Everett interpreted as referring to the effect of annexation on the previously existing obligations of the two countries involved. In December, 1845, Lord Aberdeen directed Elliot to notify the Texas government that the obligation of the treaties between Texas and Great Britain would not be impaired by the voluntary surrender by Texas of her independence but would continue in precisely the same condition as if Texas had remained an independent power, and that so long as they should remain in force Great Britain would be entitled to require that the engagements contracted by them be fulfilled on the part of Texas as they would be fulfilled on the part of Great Britain. Ebenezer Allen, the secretary of state of Texas, replied with propriety that during the independence of Texas her treaty obligations had been faithfully maintained, and that they would continue to be so maintained; but that after the organization of the State government should succeed to that of the Republic (which happened, in fact, on February 19, 1846) the settlement of all questions growing out of her treaty relations with foreign powers must, so far as Texas was concerned, be referred to the government of the United States. Allen's stand here was quite in accord with international law, and it seems to have satisfied the English government, for no further correspondence took place on the subject between Elliot and Allen. Probably Lord Aberdeen in making the protest desired merely to get his position on record for

use in case any unforeseen complication should arise as a result of annexation.¹

IV. THE SIGNIFICANCE OF ENGLAND'S POLICY.

While the English policy had been an unqualified failure, so far as the attainment of its ultimate objects was concerned, it was by no means without significance in the history of the world. England had been unable to prevent the annexation of Texas to the United States and had been unable materially to influence the question of the abolition of slavery either in Texas or in the Southern States, but she had started out with some reasonable hope of success and had made her influence decidedly felt. It was, of course, impossible for an English statesman to judge accurately the state of public feeling in Texas and the United States on such matters. If Lord Palmerston and Lord Aberdeen had been able to understand the real feeling for annexation in Texas and the United States they would probably have been sufficiently convinced of the impossibility of persuading Texas to remain independent, or if they had embarked on an anti-annexation policy they would have pursued it more vigorously. They would certainly not have acted as Aberdeen did in the matter of the anti-slavery agitation, and they would certainly have presented their arguments to Texas in a more attractive form than they in fact adopted. They would have used their mediation with Mexico in a more authoritative manner, and would have shown less hesitation in the matter of granting commercial concessions to Texas. They seem, in fact, to have looked upon annexation as a possibility much more remote than it really was. They were evidently justified in coming to this conclusion, in view of their imperfect information. And depending upon this conclusion as they did, their plans were eminently reasonable. Distrustful of the United States as they were at the time, to establish in the Southwest an independent English-speaking republic, depending mainly on English protection and submissive to English influence, by means of which republic they might

¹Jones, *Republic of Texas*, 441, 443, 452-453, 468-471, 508; *Niles' Register*, LXVI 252 (Everett to Calhoun, May 18, 1844); Aberdeen to Elliot, Dec. 3, 1845; Elliot to Allen, Jan. 4, 1846; Allen to Elliott, Feb. 4, 1846; Hall, *International Law* (5th ed.), 103.

hope to defend Mexico against encroachments from the United States, to protect their own ascendancy in the Southwest, and to deal an effective blow at the American tariff and the Southern institution of slavery, was a dream that English statesmen were, from their own standpoint, fully justified in cherishing and one that they are scarcely to be blamed for seeking to realize, even if they had known from the beginning that the chances were against their success. As the matter worked itself out, however, England's conduct contributed to an effect directly contrary to that which she sought to produce. Her interference was never energetic enough to give a rallying-point to the anti-annexationist movement that really existed in Texas while it was strong enough to furnish a powerful argument to the party in Texas and the United States that favored immediate annexation. The annexation party in Texas, indeed, sought by coquetting with England to stimulate the annexationists of the United States. England by her efforts thus really assisted annexation and retarded abolition. The outcome showed England's fears for Mexico to have been fully justified, for the Mexican war resulted quite as mischievously to Mexico as England could have expected, and the advance of the United States to the Rio Grande did in fact give that country the ascendancy in the Southwest that had been possessed by England.